Public Art Ordinance

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Title: Public Art Ordinance

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What is Public Art?

Public art is a tool that cities engage to assist in connecting people to their community and environment. Public Art is a creative expression in the public built environment. It can be in the form of sculptures, murals, statues, memorials, and gardens. Public art can transform a city from a loose connection of buildings to an activity, a gallery, or an experience. Examples of public art can range from the Washington monument to children experimenting with sidewalk chalk. More formally, it is a method that is consciously implemented through artwork to enhance a city. Many cities have adopted programs for implementing public art into their jurisdictions. Today, over 350 public art programs exist that bring artwork to a variety of communities.

A more modernist approach to public art in today’s context deals with public art taking on a more political meaning, often being a dialogue of a political, social, historical, and cultural comment. Public art can function as a tribute or celebration of profound events or leaders, such as the Vietnam Veterans Memorial in Washington D.C. However with this direction comes the burden and conflict of controversy, due to differences in opinions and backgrounds, whether that is social, economic, racial, or ethnic. The definition of public art continues to expand at artist challenge convention and technique evolves. Artist’s commissioned by a public entity will be expected to produce a piece with a specific meaning, or given free reign for creativity. Although art is a manifestation of an individual’s perspective, public art challenges the artist to create for the community as the public the sole benefactor. For instance, in ancient Italy celebrated artists such as Leonardo Da Vinci were able to create religious pieces that were welcomed and cherished by a community with seemingly identical values. Artist today work to
counteract widely accepted beliefs, and now more than ever a diversity of attitudes and lifestyles coexist.

Where is public art?

Public art exists in the public realm, specifically the external environment. It is important to make the distinction between art provided in a gallery, or even indoors for that matter, than art displayed in a public outdoor setting. Because public art exists in this place, it must be more conscious of its aesthetic quality and contribution to atmosphere. Public art is considered for public utility, and how it can attract, or complement a public space. Art is indeed valuable, but art provided and displayed in such a public manner has been critiqued to have a more thorough review and thoughtful decision-making on its decision for installation.

Place Making

In today’s urban world, an issue of creating community bonding is prevalent in a society that contains many cultures and people. City governments often aim to generate efforts that strengthen community bonding. One way they go about this is the bridging of spatial frameworks and our notion of place and place attachment. (Thomas, 2015) Experts confirm the opportunity that lies in the connection to place and its ability for social cohesion and youth development. Providing conventions for people to use commonly and to share has been proven to increase residents’ cherishment of community. Environmental and social justice advocates have based their successes around “urban villages” that aim at creating havens for community bonding.

Public art is a manner of place making, in its intent to be a deliberate design of a place to facilitate social interaction and improve quality of life. When planning a
community, it is putting people ahead. Public places are at the heart of place making. The idea of attracting people to a place is one way that public art plays a role in place making. The arts are increasingly understood as having an important role in urban community and economic development, and research has begun to demonstrate the economic impact of traditional cultural venues such as museums and concert hall (Thomas, 2015) Because of this, the United States government has recognized arts as an important means to creating communities, and has allocated funding from the National Endowment of the Arts and ArtPlace to projects in all fifty states. Grants totaling over $40 million dollars and have generated extensive public/private partnerships for art, most of this has gone to improving neighborhoods and surrounding regions. Other benefits can include an increase in public health as well as encouraging innovation. A study done by the University of Pennsylvania, The Social Impact of the Arts Project, found that neighborhoods in Philadelphia that had more arts programs were more likely to be better off economically than its arts deficient counterparts. This begs the question, to some scholars, of which publics are these places attempting to attract, and calls into question the wealthy versus the poor. Yet public places at intended to be just that, aimed for the public, whoever that may be, and continue to act as a bridge for all members of society. Place making is intended to create a sense of belonging where it might otherwise be lacking, to facilitate a sense of familiarity of residents and support. And indeed, public art seeks to fulfill this need within the community, as well as contributing to other effects such as contributing to the way an individual interprets an environment. In addition to exploring how public art can make a place, it is also important to examine public art’s
ability to affect one’s psychological reaction to an environment, environmental psychology.
Environmental Psychology

Environmental psychology is the interaction between individuals and their environment. The field is regarded as relatively new and like most of the psychology field, is changing, evolving, and progressing constantly. How an individual interprets and moves about their environment is essential in the design and planning for one as such, and therefore is an important aspect of city planning, and subsequently public art as component of successful built and natural environment interplay.

Picture this: a student walks into a coffee shop, smooth jazz is playing and customers are speaking in hushed tones if they’re not already hunched over a notebook or computer, fervently working. The lighting is limited, although streams of sunlight seep into the dark window panes and dance along the walls. How are you feeling? How does the student respond? Human behavior is largely determined by one’s atmosphere, and society as a whole is simultaneously governed by their environment just as they are intrinsically. Adding to the scenario, along the walls there are brightly painted murals of auburn clouds with gold undertones and smoky highlights. Already one would assume the reader has already had a psychological reaction by reading this information, just as one would if they were experiencing it. The color of the walls, the light exposure, even the temperature of the room is sending a person queues on an appropriate reaction to an environment. When it is recognized the impact the environment has on behavior, the environment and behavior can be manipulated accordingly.
History

Environmental psychology has only been around since the 1960s. Although researchers had been studying the impacts of environmental stimuli, overcrowding, the effects of weather, and other human activities, it wasn’t until the scholars of Brunswik and Lewin that worked on focusing on the psychological effects and human behavior in their environment that the field was established. Before then, it was mostly accepted that the individual was the sole determiner of their behavior with disregard to their environment as a key influence. Since then, the field has made strides in recognizing the effects of the environment in determining behavior and ecological impact, as well as society.

Environmental Impact

From there, the shift was made to examining the influence of the built environment, in terms of architectural aesthetic quality. One may ask, just how far can you specify when choosing the design of a place? The answer is extensive. Material, design, size, placement, and even more can go into the process of designing a place. In the late 1950s, when developers were tasked with building new homes for returned World War II veterans and their family, questions such as how the homes were to be built and where would best fit the users’ needs. Since then, city planners have flipped their strategy, opting for and promoting denser cities with defined centers and common places. The latest trends in the field have been moving towards psychology to create greener places, and how an environment can shape your values and actions to a more sustainable outcome. Issues such as air pollution, urban noise, and general environmental quality have taken center stage. The overall aim will consistently be preserving well-being and
quality of life, and thus ensuring sustainability will be key in regards to the
environmental, society, and economy as the bigger players. Ideas such as these should be
considered where public art is concerned, as the idea and placement of the art can affect
community members actions and feelings of the community.

Therefore, designing environments in a way that promote social, environmental,
and economic justice will be the most beneficial for a community. The field of
environmental psychology has aimed at promoting pro-environmental behavior, or acting
in a manner that is the least impactful ecologically, perhaps even beneficial, and can be
independent of this intent. Since behavior is considered habitual and often instinctual,
policy-makers, developers, and others involved in the construction and design of a place
must consider this. Relating back to public art, this information can play a role into the
design, placement, and consideration of various works in terms of material, message,
size, installation, and other factors that can influence the publics’ behavior. It is important
that public art is created in a manner that is constructive to its community, even if that
impact isn’t necessarily clear to the individual.

It is important for public art policymakers to consider environmental psychology,
especially in regards to placement, within a place. In the case of the Titled Arc, which is
discussed in detail further on in this report, the installation of the public art was not
appropriate in the federal plaza, and obstructed many people's paths and was eventually
removed on the account of public disapproval. In the decision of the placement, planners
may consider how community members will use the art installation, or what sort of
reaction will result as one interacts with the piece.
Urban spaces

Urban spaces within cities is the garden where these pieces will be planted, and fill the ‘void’ between buildings, such as streets, plazas, parks, etc. In a study done by Y. Bada in collaboration with Mohamed Khidler University in Alegria, their work looked into the movement of these places, as well as ambiance characteristics such as thermal and acoustic comfort, i.e. more sensory oriented approach, or by questioning and examining the spatial properties that are considered as qualitative such as enclosure, good proportion and the landscape features like fountains and benches, and thus, public art. (Bada, et al., 2009) It is noted as well that occupancy patterns are largely dictated by urban edges, such as walls, benches, and other structures that mimic an “edge,” so to speak. The concept of this is illustrated in the figure below. Great examples of the historical relevance of constructing public places is St. Peter’s Square designed by Bernini that acts as interconnecting spaces, axis (paths), and building to create an interplay of movement and perception (Y. Bada, et. Al.) Michaelangelo’s shaping of the Capital Hill also mimics these concepts. Public art’s role in this is working so that it can inspire movement and community gathering in these places, while still be conscious of the pathway of the individual.

Environmental psychology is the subliminal message that a space is sending, and can be considered more objective and conceptual than concrete. When evaluating public art, this is only one-dimensional. What complicates the subject is public arts ability to send not just an unwritten message, but often contains strong visual content as well. This transitions us from discussing environmental psychology to when public art attempts to send you a clear message and tangles with the law as well.
Public Art Law

Art has traditionally not been the most widely accepted medium of expression. Through the years, artworks based on religious, political, or social expression have stirred controversy. Art on display can be powerful, occasionally more effective than words, in the statement of radical thought. Some past works of art that have produced a strong reaction from the public have included the

The British graffiti artist Banksy, although not commissioned by any local municipality for his public art, is a sound example of the controversial yet effective and widespread statement an artist’s works can have. Banksy has left his mark in the United States, as well as all over the world with his stenciled paintings of political and satirical content. He has more recently become more widely recognized and some of his works have sold for hundreds of thousands of dollars. But his street art is what he is most known for.

Banksy has more recently taken his talents to Palestine where he painted the mural below, “The Thinker,” to shed light on a ruined Gaza Strip. He made a film to go alongside the works that illustrated the devastation and horror brought on by the Isreali militia.
Some works of art are not statements but as simple nuisances to the community such as the sculpture *Tilted Arc*, that was removed from the Federal Plaza in lower Manhattan, New York. The *Tilted Arc* was installed in 1981 and was a minimalist sculpture that was created by Richard Serra. Many complained that it was an interruption to their daily routines, and cut their paths on their way to work, etc. In 1989, the sculpture was removed upon a hearing called for the removal of the piece, which a panel voted four to one in favor of the removal, despite 122 testimonies against the removal to a 58 for its destruction. The piece was part of the federal agency’s General Services Administration implemented of the Art-In-Architecture program (AIA) that was aimed to donate one half of one percent of the cost of the construction or repair of federal property to the funding of public art, as the piece was installed in the federal plaza. During the hearing several objections were raised, 1. *Tilted Arc* was an improper symbol of the functions housed in the courthouse, in the Jacob Javits Federal Building, and in the plaza itself; 2) the
sculpture destroyed the original beauty of the plaza; and 3) it prevented the plaza from being used for other purposes.


Jeffrie Murphy explores the concepts of freedom of expression and art in his essay for the Arizona State Law Journal. Several culprits of limiting views of artistic expression could be to blame, including puritanism and egalitarianism. The political views of any one person must carry the same weight of another and that one may be lead to believe that this same concept would cross over to artistic territory as well. The guidelines to artistic authority and conversation do not lie within the Statue of Liberty. When freedom of expression is part of the discussion, many experts have opposed censorship. Society can most likely benefit for the increase of truth and knowledge, and therefore a limitless conversation, including that of art and expression, must be granted, or a “marketplace of ideas.” We cannot pick and choose what conversations must be censored, and give higher prioritization to certain ideas that we may not fully understand until they are considered historic.
Free Speech

The first amendment of the United States’ Constitution establishes a right to free speech its in verbiage:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances. (U.S. Const. art. I,§9, cl.2.)

Although the constitution does much to protect against the censorship of political speech, it is brought under question that is does the same favor for artistic expression. In Marci Hamiliton’s commentary on the matter titled Art Speech, she argues that issue of artistic freedom has not properly been expressed by this constitutional amendment, yet art can be just as disruptive and revolutionary as political commentary yet has been left out of the conversation.

Art can carry ideas and information, but it also goes beyond logical, rational, and discursive communication. It provides a risk-free opportunity to live in other worlds, enlarging individual perspective and strengthening individual judgment. (Hamiliton, 1996)

Art is justified as an important component in ensuring the liberty and freedom of a marketplace of ideas and spread of information in a democracy. Art is a subsequent protector of our freedom as it balances political and governmental power. When combining art and its legal installation, you get public art. Certain municipalities have tackled public art by successfully adopting ordinances and implementing programs that allow artists to submit work for review and installation by the cities themselves.
Case Study Chicago

Ordinance

The Chicago Department of Cultural Affairs (DCA) is responsible for the oversight and activity of the City’s public art program. The Public Art Program requires that 1.33% of the construction costs or improvements of City-owned or City-financed building is taken to acquire and fund public art projects at whatever building or site the cost is taken from. The DCA also works to maintain these works, what works to install, and how and where to install the pieces. The DCA determines what projects qualify for participation in the program and is responsible for notifying artists on opportunities to submit work for certain projects. The DCA will announce opportunities at places such as arts organizations, art galleries, art schools, art centers or museums.

In selecting a piece of work to be installed, the project staff will study the project’s “Purpose, space, and configuration.” This is so that the selected art piece will make a safe contribution to the space and will not intrude upon the safety of the citizens. The DCA will notify more groups and residents that make be interested in the placement of an art piece such as churches, neighborhood historians, and others interested parties. A public forum is put on so that the community is provided with information about the project and it is also a place where citizens can inform the project staff about the specific neighborhood’s culture. The program emphasizes its commitment to being, “project specific and community based.” After this forum, the project team will consider the community input and notify suitable artists that would be a good fit based on public comment and the project. A minimum of three artists must be notified. The project team will then accept submissions and review them accordingly. The project team has the
option on consulting further knowledgeable people on the matter of selection, as well as holding another forum for further community input. A final forum must be held before the final selection of an artist/artwork. Finally, after program staff may make changes based on the final forum, they will make a recommendation to the Commissioner of Cultural Affairs. This person has the final say on the selection, and the artist is notified of the decision.

Prevalence

Chicago has become a leader in public art in the United States. Even before the City’s incorporation in 1837, monuments were installed that became evidence to the value of the City’s artistic movement. What initiated the more recent public art movement in the City, however, is the installation of “The Picasso” by Major Richard J. Daley in the Civic Center Plaza. Since then, a “cultural renaissance” has taken place in the city and the downtown has become a sculpture gallery. And in 1978, an ordinance was passed that gave the City the right to require a percentage of the cost of constructing or renovating or purchase of art. It was the first large city to create a strong public art program of its kind. The public art program emphasizes a relationship between private sector and government agencies. Chicago has an advantage in comparison to smaller cities in that it attracts major artists such as Pablo Picasso, Jean Debuffet, and Anthony Caro that heavily influenced the abstract expressionist movement in the mid-twentieth century. The City might as well be compared in an exclusive art gallery for famous artists to use to display their influential work, especially since the City has such a strong history of supporting the arts.
A variety of materials used in the installation throughout the City. As Chicago endures a harsher climate than most, with gusty winds and frigid winters, the materials used must be versatile and long lasting. Noted materials include:

- Cast Iron (Agora, Magdalena Abakonwicz, 2006)
- Aluminum (Transit, John Bannon, 2004)
- Copper-beryllium, brass and granite (Untitled Sounding Sculpture, Harry Bertoia, 1975)
- Steel, both painted and not (Flamingo, Alexander Calder, 1974)
- Stone and glass (Marc Chagall, The Four Seasons, 1974)
- Bronze (Ludovico De Luigi, San Marco II, 1986)
- Fiberglass (Jean Debuffet, Moment with Standing Beast, 1984)

May of these materials are repeatedly used throughout many of the sculptures and pieces featured in Chicago, both indoor and outdoor.

The Loop

The public art guide provided by the City of Chicago breaks the City down into several sections with characteristic public art. An emphasized area that is noted on the guide is the “Loop.” Historically it had been an area where cutting-edge architecture carves into skyscrapers. The Loop was home to the Chicago Stock Exchange and the Masonic Temple that was the tallest building in the world until it was taken down in 19939. The Loop was formed by the railroad tracks that ran through it. The Willis Tower that was built in 1974 brought business of finance and law to the City. The Loop is home to many of the most famous art installation pieces in the City.
The “Picasso” was the first modern monumental sculpture in the Loop. Its abstract design brought about controversy for its unconventional design. It’s intended to be processed differently through different vantage points, which gives it a Picasso-like cubist appearance. The sculpture is made from corrosive tensile and is coated with iron oxide that protects it from corrosion. The piece was presented in 1967 in the Civic Center.
and was not welcomed by the Chicago public. The piece was a gift by the artist, who dominated Western Art Culture at the time.

Crossing by Hubertus Von Der Goltz was intended to be a gateway connecting the Loop and River North and is a joint between the commercial and cultural districts of Chicago. The figure is balance between the two V-shaped blocks and is seen as a silhouette from both the north and the south.
The Cloud Gate is located at AT&T Plaza and is intended to mimic liquid mercury. This was the first outdoor installation by British Artist Anish Kapoor and was constructed in 2004. It is made out of stainless steel. The artist used computers to cut the steel into the pieces he would use to construct one of the largest installations in the world. The steel is also positioned in a way that it can easily expand and contract to varying air temperatures, as Chicago is known for its weather extremes.
The Crown Fountain at Millennium Park is an interactive piece by the Spanish artist James Plensa and was installed in 2004 and is considered a bold addition to the world’s public art collection. There are two 50-foot glass blocks on either end of a shallow reflection pool. The glass blocks contain LCD screens that convey images of people spouting water into the pool. The lights and images of faces change. Plensa and the School of the Art Institute of Chicago had taped the faces of 1,000 Chicago residents. The artist plans to change the images so that the sculptures adapts and reflects the changing culture of Chicago.
City of San Francisco Case Study

The City of San Francisco incorporated an Arts Element into its general plan. The City does well to recognize itself as a cultural center and its diversity in regards to careers, cultures, individuals, and organizations. The arts are noted as vital to the economy in the City as well, and states that the City has become a national leader in municipal arts funding. Some of the goals of the Arts Element of the San Francisco Master Plan are:

- Strengthen the arts in San Francisco, as expressions of culture, creativity and beauty;
- Validate and increase the role of the arts as a major economic force in the region;
- Act as guiding principles for the City and County of San Francisco in their dealings with the arts;
- Legitimize the arts as an essential concern of local government through the formal adoption of policies;
- Articulate issues, contributions and needs of the arts;
- Protect arts organizations and artists through the adoption of policies that will Withstand changes in political climate;
- Provide strategies for responding to arts issues;
- Identify and address current City policies and procedures that affect the arts;
- Elevate and strengthen the distribution of resources for the arts;
- Insure the future health and vitality of the arts in San Francisco; Set a course for the future.

Subsequently, the City has adopted several policies that support, protect, and encourage arts throughout the City. In particular a set of objectives were developed with
these ideas in mind. Relating to the City role in cultivating artistic development in the city, the City has as an objective to increase opportunities for public art throughout the city. Its leading policy (Policy VI-2.1) is to develop a public are plan and requisite ordinance for the City of San Francisco, which it identifies as being a strong guide in supporting existing art programs as well as facilitating openness to a range of projects by Bay Area artists, etc. The policy doesn’t specify the details of the plan, but instead leaves that to the more complex art ordinance that was adopted by the City in 1969 as is know as the Art Enrichment Ordinance.

San Francisco’s Public Art Ordinance (PA00) is under the San Francisco Administrative Code, Section 3.19. It is an appropriation for Art Enrichment of potential public buildings, structures, parks and transportation projects. The first section of the ordinance discusses the art enrichment allocation, which is a requirement for the provision of two percent of the gross estimated construction cost, in order for the City to facilitate additional art projects. It notes that if the funding is limited, the two percent will be adjusted accordingly. The section allows the officer, board, or commission associated with the project finds the 2% inappropriate for the type of project, it potentially could be reviewed by the Arts Commission review to determine its recommendation. The ordinance emphasizes the territory the ordinance covers to be limited to: a building, an aboveground structure, a new park, or a transportation improvement project. Furthermore, there are a fair amount of exemptions from the fee including infrastructure, minor park and transportation improvements, etc. The Arts Commission is responsible for the supervision and control of the funds it receives. 20% of the costs are allocated to administrative function. Maintenance and conservation is addressed by the provision that
grants the Arts Commission to set aside and expend upon up to ten percent of the total art enrichment allocation for each project to ensure protection of public art works. And if the project doesn’t generate enough money to make new art, or is in an area that is relatively inaccessible to the public, etc. that Arts Commission can use the entirety of the funds to protect existing art pieces. The ordinance touches on its alliance with building codes, laws, ordinances, rules and regulation.

The bulk of much of the City’s public art is the Civic Art Collection, which is composed of over 4,000 objects including historic monuments, memorials, donations, annual art festival purchases, and many other pieces. Exceeding value of over $90 million, it is clear that San Francisco loves its artistic diversity and permits its ability to flourish in the City’s community. The City intends to incorporate that love of art and creative development into the lives of its residents and visitors by its public art program. The City is growing its program by developing partnerships such as ArtCare, which is a partnership with the Arts Commission and the San Francisco Art Dealers Association. This type of bridge connects local government and the private sector to strengthen the arts program. Its collection covers all types of outdoor facilities, landscapes, and places.
Sea Change, 1995, by Mark di Suvero is a triangular steel sculpture that reaches 70 feet in height along the Embarcadero.
Untitled (Three Dancing Figures), 2003, by Keith Haring is an abstract piece cut out of sheet steel that is South of Market.
California Wildflowers, 2009, by Dana Zed consists of four shutters with colorfully painted local plants and flowers are located in a library in Portola.
Evolves the Luminous Flora, 2010, by Jovi Schnell is stamped and colored asphalt that is mimicking a ‘flowering hybrid organism where mechanical forms coexist with natural forms.’ This piece is located South of Market.
San Luis Obispo Public Art Program

San Luis Obispo’s Public Art Program is overseen by its Parks and Recreation Division and contains three distinct components. The first is through city owned public art, which operates through a Visual Arts in Public Places program, which focuses on the creation of art in developed urban areas such as building facades, open space, and streets. The city allocates 1% of the construction cost to fund art projects in its citywide fund.

The next part of its program is private art in public places (aipp) that is tied to an ordinance requiring developers of privately funded, non-residential construction projects that exceed $100,00 to set aside 0.5% of the total construction cost to fund public art. The third component is through private donations of public art. This uniquely and significant component of the program provides the public with an opportunity to contribute to the artistic simulation of San Luis Obispo’s built environment through the donation of public art. The City has been fortunate to receive several works that have added to the vibrant creative atmosphere of the community.

Public Art Projects

Utility Box Art Program

One of the successes of San Luis Obispo’s Public Art Program is its Utility Box Art Program, which commissioned local artists to paint inspired and original art on 32 utility boxes located throughout the City’s jurisdiction. A virtual map is available online to local each piece of art. The program succeeded in connecting local culture with a visual product that enhanced the aesthetic atmosphere of the downtown area.
Skate Park Concrete Jungle

The creation of the public art design for the Skate Park “Concrete Jungle” was approved in December 2013. The project is considered unique due to its integration of public art into the actual construction design of the project. The skate park simulates a jungle-like atmosphere featuring metal and concrete “shade trees” that are not only for aesthetic pleasure but also serve as a skating service and provide shade by their metal canopy. Several concrete trees will also be lit to provide light to the park during evening hours.
Collaboration with Organizations

Arts Obispo (AO) is an organization that is committed to, “Advancing the visual, literacy, and performing arts in San Luis Obispo County.” AO cultivated an Art in Public Places (APP) Coalition that assists in establishing countywide policies for public art. Their mission is to “advocate for art in public places, both public and private, for the cultural enrichment of San Luis Obispo County, including cities and unincorporated areas.” AO has developed goals that guide their involvement with public art programs:

Roles and Responsibilities

A. Provide a forum for communities throughout SLO County to meet and discuss public art policies, projects and procedures.
   1. Assist communities within SLO County with establishing public art policies and guidelines.
   2. Act as a sounding board for all County communities’ ideas and provide feedback.
   3. When asked, assist in mediation when controversies or conflicts arise and assist communities in developing and setting priorities for public art projects.
   4. Recommend jurors to sit on panels reviewing public art pieces, donated works and or qualifying artists.

B. Monitor all current developer projects throughout SLO County
   1. Advocate for the developer to incorporate public art in their project design.
   2. Provide a discussion forum for developers to present their projects and listen to recommendations from the Coalition.
3. Assist private developers, construction contractors and individuals in locating artists or completed art works that would be appropriate for their project.

4. Provide a discussion forum for developers to present their project and hear recommendations from the Coalition.

Goals

A. Create an online County Public Art Archive and an Art Map

B. Form a clearing house for public art artists (to apply for RFQs Countywide)

C. Work toward a goal of encouraging SLO County communities to consult with APP Coalition

D. Form collaborations in order to develop new spaces and opportunities for public art

The City of San Luis Obispo has partnered with AO to provide support and assistance in the communication and implementation of public art program that reaches beyond the general installation of physical artwork within the City. The collaboration involves education and cultural influence within the community to ensure longevity of relevance within an urban context.

City Ordinance

The City also has an ordinance in place that assists in the legality of the public art program. It establishes intent to establish, “A program of public art funded by private development, the City will promote the general welfare through balancing the community’s physical growth and revitalization with its cultural and artistic resources.” (Ord 17.98) The City notes the establishment of a public art account, where fees relevant to the public art program shall be deposited. This account is maintained by the finance
director and is intended for the activities of public art within the city. Public art, prior to installation, must be approved by a public art jury and the architectural review commission. The City also establishes procedure for determining either payment into the public art funds in lieu of provision of public art.
References


Atascadero Planning Commission

Staff Report - Community Development Department

Sarah Wood, Planning Intern

Note: The bulk of the language of this Staff Report is based largely off of and taken from official staff reports by the City of Atascadero.

PLN 2015-XXXX
Public Art Ordinance

RECOMMENDATION:

Staff Recommends Planning Commission:

Adopt Resolution PC 2015-X to enact a new Public Art Ordinance to (1) establish a public arts commission and (2) require portion of the construction fees of any project submitted to the City to go into a public art fund to facilitate the acquisition of art for public spaces and enjoyment by the community. This is based on findings and subject to conditions of approval.

DISCUSSION:

Background:
The City has long been dealing with a lack of community identity in its jurisdiction. Atascadero's downtown has been the subject of critique by local columnists of the San Luis Obispo Tribune, and efforts by the City have been made in order to combat this loss of community pride.

A recent signage cleanup campaign has been initiated by the Community Development Department, spearheaded by the Planning Department. It spurred from the Atascadero Chamber of Commerce’s Business Walk in the Fall, when supposedly business owners were confused by the signage ordinance set in place and what signs were allowed. The City has received many complaints about signs over the past several years and this initiative is the first to reverse the aesthetic decline of the downtown. The City has made an effort to effectively remove non-conforming signs to improve aesthetics along the El Camino Real Corridor. The City has visited over 100 businesses since and addressed problems and concerns over businesses desire for advertising and public exposure.
The signage cleanup campaign revealed the desperation of the businesses for economic draw and appeal. Currently, the City of Atascadero is rivaled by the magnetic tourism draws of the Cities of San Luis Obispo and Paso Robles, and even Morro Bay and Cayucos have a stronger identity than Atascadero arguably. Atascadero has a diversity of business types in the downtown, but does poorly in advertising itself as a tourist attraction despite its offering of services. The Carlton Hotel has been a beacon of architectural interest and begins a walkable downtown atmosphere with its adjacent streetscaping including shade trees and street furniture. The Carlton also serves as a point of historical relevance and interest in the community, as it was built in the 1920s and preserves a timeless feel in the City. This opens up a conversation for the topic of Public Art, so it may reach similar goals in historical preservation and aesthetic draw.

Negative feedback in regards to downtown and public area aesthetic, as well as issues with dealing with the public’s right to create art that is on display for the public, have suggested a need for a boost in economic and tourist appeal for the City. In efforts to spur economic activity and cultivate tourism, Staff suggests the adoption of a new program that allows the legal acceptance and promotion of public art for the Atascadero Community.
SUMMARY:

Staff is proposing the adoption of a Public Art Ordinance that details a program that requires developers to allocate a portion of construction costs to go into a public art fund. The public art fund would facilitate the acquisition of public art pieces for the City that would improve aesthetics and contribute to community pride and culture. The program elaborates on the qualifications of construction costs going into a specific public art fund, and the public art process. A Public Art Commission would be a component of the already established Design Review Committee (DRC) so that little change would be made to the City’s budget and staffing, although there is room for growth of the Public Art Commission and the evolution of the program would be determined by the Council’s adaption.

Note: This draft ordinance language is based largely off of a taken from in place ordinances by the City of Atascadero.

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<thead>
<tr>
<th>Section</th>
<th>Content</th>
<th>Rationale</th>
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<tr>
<td>Title and Intent</td>
<td>This chapter shall be known and cited as the Public Art Ordinance of the City of Atascadero. This chapter is based on the City's responsibility to protect the general public's health, safety and welfare. The spirit of this chapter is based on the City's desire to protect the economy and aesthetics of the community. The City wishes to promote the cultural environment of Atascadero, and to encourage creativity and promotion of the Arts. The purpose of this chapter is to establish a Public Art Program that is intended to: (a) Improve the aesthetic environment and overall community appearance to foster the City's ability to attract sources of economic development and growth; (b) Encourage the creation of public art as a means of connection and providing creative stimulation in the City; (c) Create engaging public spaces;</td>
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<td>This section’s language was pulled from the already in place sign ordinance that is enacted in the City of Atascadero. This section explains the reasoning of the creation of the ordinance, as well as lays out the purpose in its entirety. The idea behind this section is to be clear about the intention to provide community meaning and purpose, and to help beautify the City. This is part of a larger movement to improve the built environment’s aesthetics.</td>
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(d) Commemorate communities’ histories;
(e) Implement quality public art pieces that are consistent with the City’s General Plan, Zoning Ordinance and Appearance Review Guidelines;
(f) Enable fair and consistent enforcement of these public art regulations;

Definitions
For the purposes of this chapter, the following definitions shall apply:
(a) Construction. Shall mean new construction or improvement of at least 50% of the total square footage of the building.
(b) Public art. Art in a public place. Art that is installed as a part of a new development in accordance to this ordinance.
(c) Public Arts Commission. A body of citizens appointed by the City Council to oversee the Public Arts Programs effective execution.
(d) Public place. City or privately owned land or buildings which are exposed and or open to the public.
(e) Street. A public or private highway, road or thoroughfare which affords the principal means of access to adjacent lots.

The definitions of this chapter were necessary to include in order to expand upon the details of the ordinance. For instance, the inclusion of the definition of what construction is referred to as is important so as to avoid misinterpretation of the ordinance and be clear up front of what the ordinance affects prior to construction occurring.

Applicability
(a) General.
(1) The provisions of this chapter are applicable to all public art after

The ‘applicability’ section is necessary in order to establish what is affected by the ordinance in general.
(2) This chapter will apply to all new construction that takes place after this ordinance is in effect.

(3) This chapter will apply to all new nonresidential development as well as remodeling and or tenant improvements that are equal or greater than the cost of one hundred thousand dollars.

Essentially any public art installations made after the ordinance is in effect is subject to review and must comply with this ordinance. It was decided to eliminate residential building from the ordinance because home owners may be less financially able to afford the extra fee into the fund.

<table>
<thead>
<tr>
<th>Public Arts Commission</th>
<th>(a) Design Review Committee.</th>
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<td>(3) The Committee shall meet every first Tuesday regardless of items to review to discuss and review public art policy, procedure, and maintenance of installed works.</td>
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<tr>
<td>(4) The Public Art</td>
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In order to lessen the fiscal impact and well as the structural/staffing impact, it was decided that the Design Review Committee would either be the Public Arts Commission or that it would include the members of the DRC as well as expand to include other members with knowledge of public art.
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<td>Commission will be but is not limited to the members of the Design Review Committee.</td>
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<td>5</td>
<td>In the case that the Public Arts Commission wishes to dissolve from the Design Review Committee such action will be permitted and a new policy will be required.</td>
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<tr>
<td>6</td>
<td>The Design Review Committee upholds a commitment to maintaining consistency with the goals and policies of the General Plan. (AMC 9-2.107)</td>
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<td>7</td>
<td>Items concerned with Public Art shall be treated with consistency of the purpose of the Design Review Committee.</td>
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Application Process

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<td>(a) Review procedure. Any artist that wishes to submit a piece to be placed within the jurisdiction of the City of Atascadero should submit an application with the Community Development Department with the following items attached: (1) Plans of piece with photos or photo simulations of work. (2) Public Art Application Form. Include the name and address of the applicant and/or property owner and name and address of agent if applicable, assessor parcel number, legal description, type and number of sign(s), applicant and property owners’ signature and agent’s signature. (3) Elevations. Please provide elevations of work and include height, dimensions. Also provide all structural support elevations and details. (4) Resume of the artist. (5) Maintenance proposal and special requirements for the piece. (6) Entire list of materials used and identifications on site proposal. (7) Structural Calculations. When applicable, provide all structural calculations by a licensed architect or civil engineer.</td>
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<td></td>
<td>This piece was adapted in part by the City of Morro Bay’s public art review process, as well as the established City of Atascadero policy on signage intake permits. Most of the list is pretty standard for permit intakes, but includes specific public art items such as ‘resume of the artist’ and ‘maintenance proposal.’ These items are open to amendment, as deemed necessary or seen fit by the City. Resume of the artist could prove important as to display the artist’s qualifications to be creating a public piece for generations to admire and become a part of the City. Maintenance proposal could be important so that art pieces subject for review will be also evaluated for their ability to be maintained by City staff. City staff should seek only projects that would potentially have little/no maintenance in order to lessen impact for City staff. In general, Staff and the Commission should</td>
</tr>
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</table>
| Design Standards | (a) All public works of art shall consist of high quality durable material.  
(b) Works shall be reviewed for consistency with relevance to Atascadero and its cohesiveness with the community culture  
(c) Public art additionally reviewed for its aesthetic cohesiveness  
(d) Includes but is not limited to the following: Sculpture, mural, architecture, mosaics, among other art installations.  
(e) Public art shall be kept out of the public right of way. |  |
| --- | --- | --- |
| Maintenance | a) Public Works will be designated as primary overseer of Public Art Projects maintenance within the City.  
b) Public Works staff will make routine visits to various pieces throughout the City to ensure their compliance.  
c) All public art will be maintained regularly to comply with the Code regarding safety, maintenance, and repair.  
d) All public art are to be properly maintained in a safe and legible condition at all times.  
e) Citizens are encouraged to aid in informing the City of dangerous, non-conforming, pieces in that could be harmful to residents.  
Public Works is the department of choice to oversee Public Arts maintenance/installation since they are already responsible for City facility maintenance, park maintenance, street maintenance, storm drain maintenance, and more. Public works should make regular visits to each site of public art so that it is ensured that each piece is well kept and fulfills its purpose of enhancing the aesthetic environment of the City. Public art is in no way intended to provide a hazard to citizens, so in the case that a piece becomes hazardous or declines in condition in a manner that provides harmful to citizens, Public Works should deal with this situation in a swift manner in either repairing and restoring of the piece or removal. |  |
| Violations | Any public art item placed on property owned by the City of  
This section was included and was copied from the signage |  |
Atascadero without the permission of the City may be removed by the City without prior notice. This section shall not be interpreted to violate the First Amendment to the Constitution of the United States.

Ordinance for Atascadero in order to establish the legality of public art pieces and the City’s authority to remove pieces that aren’t in compliance with this section. Also, it touches upon the discussion of the First Amendment which proved to be a reoccurring issue with Public Art across the United States.

**ANALYSIS:**

**General Plan Consistency**

The proposed ordinance is consistent with the following General Plan Goals and Policies:

Goal LOC 3: Transform the existing El Camino Real “strip” into a distinctive, attractive and efficient commercial, office and industrial park area which can provide for the long term economic viability of the community.

Goal LOC 4: Provide for a strong and distinctive Downtown.

Policy 1.3: Enhance the rural character and appearance of the City, including commercial corridors, gateways and public facilities.

Policy 4.2 Enhance the appearance of the downtown area and improve pedestrian circulation.

**Findings**

The Planning Commission must make the following findings in order to approve the ordinance. If the Planning Commission chooses to deny the project, the Planning Commission must make specific findings for denial.

1. **The proposed project or use is consistent with the General Plan, as well as the City’s Appearance Review Manual and any pertinent City policy or criteria adopted by ordinance or resolution of the City Council.**

**Staff Comment:**
The proposed project, as recommended by the DRC is consistent with the Atascadero General Plan as identified by the policies and programs listed above.

2. The proposed project or use satisfies all applicable provisions of the Title (Zoning Ordinance).

Staff Comment: The project satisfies provisions for the Atascadero Municipal Code.

3. The establishment, and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety, or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use.

Staff Comment: The proposed ordinance will not be detrimental to the general public or working person’s health, safety, or welfare.

4. That the proposed project or use will not be inconsistent with the character or the immediate neighborhood or contrary to its orderly development.

Staff Comment: The ordinance is consistent with the character of the immediate neighborhood and is not contrary to its orderly development.

5. The proposed use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved in conjunction with the project.

Staff Comment: Periodic maintenance will occur, however this will not generate a volume of traffic beyond the safe capacity of all roads that access the site.

Based on staff’s analysis in the preceding sections, the Planning Commission can make required findings for approval and adoption of the ordinance.
Conclusion

FISCAL IMPACT:

No immediate direct cost is required for enacting of a public art ordinance.

ALTERNATIVES:

1. The Planning Commission may approve the ordinance with additional or revised project conditions.

2. The Planning Commission may deny the project if it is found that the required findings cannot be made. The Commission’s motion to deny must include a finding for denial.

3. The Planning Commission may continue the hearing and refer the item back to staff for additional information or analysis. Direction should be given to staff and the applicant on required information.

ATTACHMENTS:

Attachment 1: Relevant article
Attachment 2: Public Art Ordinance
Attachment 3: Draft Resolution PC 2015-X
### ATTACHMENT 1: Relevant Article

**PLN 2015-XXXX**

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**THE TRIBUNE**

Atascadero’s downtown appearance has taken a turn for the worse lately. A number of people have brought it to my attention, knowing about my fixation on getting the sign ordinance enforced.

For more than a year, we residents have had to put up with a large tent in the downtown. How did the owner get permission to put up something like that anyway? And then a tiny snack shack was built in front of it. When the tent was down for several months last summer, the heart of the city looked even worse.

And over the past few days a restaurant at the corner of El Camino Real and West Mall has repainted its building an awful yellow bright enough to be seen blocks away. If the owners of Sylvester's wanted to attract attention to their business, they certainly did that. But the color does not enhance the appearance of the downtown in any manner.

Maybe I'm still reeling from the removal of that very large oak tree next to Sylvester's a couple months ago.

Now the owners of the restaurant are going before the city's Design Review Committee (Wednesday, 3 p.m. in Room 106 of city hall) seeking permission to construct a playhouse structure within the city's right-of-way.

The play structure would be built in the place where the 64-inch diameter oak was removed. According to a project description included with the agenda for the design committee, the city has historically designated the area as a landscaped parkway.

The playhouse structure would be approximately 160 square feet.

Staff has provided two recommendations for the five-member design review committee: authorize the concept for the playhouse structure in the public right-of-way subject to design appearance, frontage landscaping and tree replanting, access, safety and a use agreement, or refer the matter to the City Council for review in conjunction with a downtown replanting plan.

The appearance of the downtown should be decided according to some master plan and not individuals. Not sticking with a plan is how we got a two-story metal building in the middle of town that encroaches into the creek reserves.

Almost across the street from the abandoned brewery, a large trailer appears to have become a permanent fixture in the dirt parking lot at Colony Square.

Is anybody watching out for downtown Atascadero’s appearance?

It appears not.

Lon Allan has lived in Atascadero for nearly five decades, and his column is published weekly. Reach him at 466-8529 or leallan@tcsn.net.
Chapter 16 Public Art

Title and Intent

This chapter shall be known and cited as the Public Art Ordinance of the City of Atascadero. This chapter is based on the City’s responsibility to protect the general public’s health, safety and welfare. The spirit of this chapter is based on the City’s desire to protect the economy and aesthetics of the community. The City wishes to promote the cultural environment of Atascadero, and to encourage creativity and promotion of the Arts.

The purpose of this chapter is to establish a Public Art Program that is intended to:

(a) Improve the aesthetic environment and overall community appearance to foster the City’s ability to attract sources of economic development and growth;
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Definitions

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(e) Construction. Shall mean new construction or improvement of at least 50% of the total square footage of the building.
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Applicability

(a) General.

(4) The provisions of this chapter are applicable to all public art or altered after the effective date of the ordinance codified in this chapter.

(5) This chapter will apply to all new construction that takes place after this ordinance is in effect.

(6) This chapter will apply to all new nonresidential development as well as remodeling and or tenant improvements that are equal or greater than the cost of one hundred thousand dollars.

Design Review Committee.

(a) Public Arts Commission.

(1) The Public Art Commission shall be a component of the Design Review Committee and be appointed by the City Council of Atascadero.

(2) The Council shall appoint knowledgeable and qualified citizens with a desire and appreciation for high quality art for the City.

(3) The Committee shall meet every first Tuesday regardless of items to review to discuss and review public art policy, procedure, and maintenance of installed works.

(4) The Public Art Commission will be but is not limited to the members of the Design Review Committee.

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will be permitted and a new policy will be required.

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(7) Items concerned with Public Art shall be treated with consistency of the purpose of the Design Review Committee.

Application Process

(a) Review procedure.

(b) Any artist that wishes to submit a piece to be placed within the jurisdiction of the City of Atascadero should submit an application with the Community Development Department with the following items attached:

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(4) Resume of the artist.

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Design Standards

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(e) Citizens are encouraged to aid in informing the City of dangerous, non-conforming, pieces in that could be harmful to residents.

Violations
Any public art item placed on property owned by the City of Atascadero without the permission of the City may be removed by the City without prior notice. This section shall not be interpreted to violate the First Amendment to the Constitution of the United States.
DRAFT RESOLUTION PC 2015-X

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ATASCADERO APPROVING PLN 2015-XXXX

TO ALLOW THE ADOPTION OF A PUBLIC ART ORDINANCE

WHEREAS, the City of Atascadero is in need of economic attraction and viability; and,

WHEREAS, the City of Atascadero; and,

WHEREAS, the ordinance proposed in consistent with the General Plan’s goals and policies; and,

WHEREAS, a timely and properly noticed Public Hearing upon the subject application was held by the Planning Commission of the City of Atascadero at which hearing evidence, oral and documentary, was admitted on behalf of said Master Plan of Development Amendments; and,

WHEREAS, the Planning Commission of the City of Atascadero, at a duly noticed Public Hearing held on June X, 2015, studied and considered PLN-XXX and the proposed ordinance,

NOW, THEREFORE, the Planning Commission of the City of Atascadero takes the following actions:

SECTION 4. Approval. The Planning Commission of the City of Atascadero, in a regular session assembled on June X, 2015, resolved to approve the Public Art Ordinance subject to the following:

On motion by Commissioner _____________, and seconded by Commissioner __________ the foregoing resolution is hereby adopted in its entirety by the following roll call vote:

AYES:

NOES:
ABSTAIN:

ABSENT:

ADOPTED:

CITY OF ATASCADERO, CA

________________________________________
Mark Dariz
Planning Commission Chairperson

Attest:

______________________________
Robert A. Lewis
Planning Commission Secretary